IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 1362 of 2006()

CRA.11/2005 of SESSIONS COURT, KOTTAYAM
CC.569/2003 of JUDL. MAGISTRATE OF FIRST CLASS, ERATTUPETTA

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REVN. PETITIONER: APPELLANT/ACCUSED.

K.C.AYYAPPANACHARI, S/O.CHAMI ACHARI,
KALAPPURAKKAL HOUSE, POOVARANI P.O.
MEENACHIL TALUK.

BY ADV. SRI.BABY THOMAS
SRI.GIGIMON ISSAC

RESPONDENTS: COMPLAINANT

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1. K.S.RAJAPPAN NAIR, S/O.DAMODARAN NAIR,
OLAYATHIL HOUSE, THALAPPALAM KARA, ERATTUPETTA PO,
ERATTUPETTA VILLAGE.

2. THE KERALA STATE REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL
SRI.BINU PAUL
BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No.1362 of 2006

Dated this the 7th day of December, 2006

ORDER

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was convicted and sentenced to undergo simple imprisonment for a period of six months by the trial court. He was also directed to pay a sum of Rs.95,000/- as compensation to the complainant under Section 357(3) of the Code of Criminal Procedure and in default to undergo simple imprisonment for 45 days. The petitioner challenged the conviction and sentence in appeal. The appellate court confirmed the conviction and sentence.

2. Crl.M.A.No.12584/2006 was filed by the Revision petitioner/accused and the first respondent/complainant for compounding the offence, under Section 147 of the Negotiable Instruments Act and that application was allowed.

Accordingly, this Crl.R.P. is allowed, the conviction and sentence are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K.T.SANKARAN,
JUDGE

csl